

# UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF ILLINOIS

## DUTIES OF INDIVIDUAL DEBTORS

The United States Bankruptcy Code and [Federal Rules of Bankruptcy Procedure](#) include duties and requirements of debtors. The list below, edited and simplified, is not meant to be all inclusive.

### **Credit Counseling**

- To be eligible for bankruptcy, all individual debtors (under any chapter) must have received credit counseling from an approved credit counseling agency within 180 days before filing. Very limited exceptions apply in emergency situations.
- The United States Trustee Program (USTP) will maintain the official list of approved credit counseling agencies on their website at <http://www.usdoj.gov/ust/eo/bapcpa/ccde/index.htm>.

### **Duties under 11 U.S.C. § 521**

As stated above, this list is edited and simplified and is not meant to be all inclusive. Refer to the United States Bankruptcy Code and [Federal Rules of Bankruptcy Procedure](#) for the required time limits and applicability to the different chapters under title 11 of the United States Bankruptcy Code.

- File a list of creditors, schedules of assets and liabilities, schedule of current income and expenditures, and statement of financial affairs.
- If 11 U.S.C. § 342(b) applies, file:
  - a certificate of an attorney whose name is indicated on the petition as the attorney for the debtor, or a bankruptcy petition preparer signing the petition under 11 U.S.C. § 110(b)(1), indicating that such attorney or the bankruptcy petition preparer delivered to the debtor the notice required by 11 U.S.C. § 342(b); or
  - if no attorney is so indicated, (debtor is filing pro-se/without attorney representation), and no bankruptcy petition preparer signed the petition, file a certificate of the debtor that such notice was received and read by the debtor.
    - Pro se debtors (without attorney representation) can accomplish this by reading Director's Form B201A, "Notice to Consumer Debtor(s) Under § 342(b) of the Bankruptcy Code", and filing, along with the Voluntary Petition, Director's Form B201B, "Certification of Notice to Consumer Debtor(s) Under § 342(b) of the Bankruptcy Code".
    - These forms may be obtained at:

<http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms.aspx>.

- Payment Advices – See section below for Payment Advices.
- File a statement of the amount of monthly net income, itemized to show how the amount is calculated, and a statement disclosing any reasonably anticipated increase in income or expenditures over the 12-month period following the date of the filing of the petition. This is accomplished by filing the appropriate official bankruptcy form as listed below.
  - Official Form B22A, “Chapter 7 Statement of Current Monthly Income and Means-Test Calculation”
  - Official Form B22B, “Chapter 11 Statement of Current Monthly Income”
  - Official Form B22C, “Chapter 13 Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income”
  - These forms may be obtained at:  
<http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms.aspx>.
- In Chapter 7 cases with respect to secured debts, file the required statement of intention to state whether you are keeping or surrendering such property. If applicable, also specify whether such property is claimed as exempt, whether you intend to redeem such property, or whether you intend to reaffirm debts secured by such property.
- Timely perform the intentions, as stated on the statement of intention.
- Cooperate with the trustee, if one has been appointed, to enable the trustee to perform his duties under title 11 of the United States Bankruptcy Code.
- File Certificate of Credit Counseling – See section above for Credit Counseling.
- Disclose interest in education individual retirement account or qualified State tuition program.
- Tax Returns – See section below for Income Tax Returns.

### **Payment Advices**

- At least seven days before your § 341 Meeting of Creditors, the debtor shall provide the trustee, the United States trustee if no trustee has been appointed, and any creditor who makes a timely request, copies of all payment advices, or other evidence of payment, received by the debtor from any employer(s) of the debtor within 60 days prior to the date of the filing of the bankruptcy petition.

### **Income Tax Returns**

- Provide the trustee with a copy of your most recent tax return not later than seven days before the date first set for your § 341 Meeting of Creditors.
- Provide copies of federal tax returns annually, upon request, while your case is pending.
- File with the taxing authority tax returns that become due after the commencement of the case or properly obtain an extension of the due date for filing such returns.

## Miscellaneous Debtor Obligations

- Attend a 341 meeting of creditors on the time and date set in the Notice of Commencement.
- File notice of any change of address.
- Retain copies of all bankruptcy documents.
- Retain copies of all documents used to prepare Schedules and Statement of Financial Affairs.

## Financial Management

- Every individual debtor in a Chapter 7, Chapter 11 in which 11 U.S.C. § 1141(d)(3) applies, or Chapter 13 case must file Official Form B23, “Debtor’s Certification of Completion of Instructional Course Concerning Financial Management”.
- Official Form B23 must be filed within the time limit imposed by [F.R.B.P. 1007\(c\)](#).
- Each spouse, if the bankruptcy petition was filed jointly, must complete and file a separate certification.
- The United States Trustee Program (USTP) will maintain the official list of approved financial management instructional course providers on their website at <http://www.usdoj.gov/ust/eo/bapcpa/ccde/index.htm>.